

REMARKS

The applicants originally submitted claims 1-21 in this application. In a previous response to a restriction requirement, the applicants elected Group I (claims 1-17). In a response to a previous Office Action, the applicants amended claims 1, 7 and 14, and canceled claims 18-21. In this response to the current Office Action, the applicants have amended claims 1, 7 and 14, but have not canceled any claims. Accordingly, claims 1-17 remain pending in this application.

The applicants respectfully submit that entry of the amendments is proper. The amendments raise no new issues requiring further search or consideration. Also, the applicants respectfully submit that the amendments put the claims in condition for allowance. Accordingly, entry of the amendments is respectfully requested.

Objections

The Examiner objected to the title of the invention as not being descriptive. The applicants have amended the title to remove the language directed to an apparatus, as there are no apparatus claims. The applicants respectfully submit that the title, as amended, is clearly indicative of the invention to which the claims are directed.

The Examiner objected to the abstract of the disclosure for failing to "mention the steps, not least of all the dehydrating or the adjusting" steps. The applicants have amended the abstract to overcome the objection. More specifically, the applicants have amended the abstract to include the dehydrating and adjusting steps. The applicants respectfully submit that the abstract, as amended, is proper.

In view of these amendments, the applicants respectfully request that the Examiner withdraw the objection to the title of the invention and the abstract of the disclosure.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 1-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. More specifically, the Examiner states that the definitions on page 5 of the specification are indefinite in that the definitions that refer to known gases are unclear as to who it is known and at what time. The Examiner further notes that a potential infringer would know not know if the definitions are limited to gases that are known at the time of the invention, the date of issue, or the date of potential infringement.

In response, the applicants respectfully submit that the language at issue on page 5 of the specification is not indefinite and refers to any gases known at the time of the invention by one skilled in the art of optical fiber manufacturing to be used for doping and/or dehydration that contain either fluorine or chlorine. See, for example, U.S. Patent No. 6,131,415 (enclosed) at col. 3, lines 33-36; col. 5, lines 26-28; Fig. 2, step 32; and the dehydrating step in claim 1 (col. 10, lines 3-7), in which dehydration occurs in a “chlorine- or fluorine-containing atmosphere.” This reference illustrates that the use of such language has been acceptable to the USPTO in the past without elaboration. In view of the above, applicants respectfully submit that the language at issue is not indefinite.

Also, the Examiner states that claim 1, lines 8 and 9 are inconsistent with respect to the term “environment.” In response, the applicants have amended independent claims 1, 7 and 14 to clarify that the existing environment has been adjusted by the adjusting step. In view of this amendment, the applicants respectfully submit that claims 1, 7, and 14, as amended, are clear.

In view of the claim amendments and foregoing remarks, the applicants respectfully submit that claims 1-17 are clear, and respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §112.

The applicants submit that all claims now are in patentable form, and respectfully urge that all the claims be allowed and the application be passed to issue. If the Examiner disagrees, the Examiner is invited to call the attorney for the applicants at the telephone number provided below.

Respectfully submitted,

Kai H. Chang
David Kalish
Thomas J. Miller

By: 

Michael A. Morra, Attorney
Reg. No. 28975
(770) 798-2040

Date: 3-24-04
Fitel USA Corp.
Docket Administrator
2000 Northeast Expressway
Suite 2H02
Norcross, GA 30071-2906